

MEETING #38 - November 10

At a regular meeting (#1) of the Madison County Board of Supervisors on November 10, 2020 at 4:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT R. Clay Jackson, Chair
 Charlotte Hoffman, Vice-Chair
 Kevin McGhee, Member
 Amber Foster, Member
 Carty Yowell, Member
 Jack Hobbs, County Administrator
 Sean Gregg, County Attorney
 Jacqueline Frye, Deputy Clerk

Call to Order, Determine Quorum, Pledge of Allegiance & Moment of Silence

All members are present; a quorum is established.

Adoption of the Agenda

Suggested Amendments:

Special Appearances

[Add: Item A - New Shelter Manager \(Cave\)](#)

Supervisor Hoffman moved that the Agenda be adopted as amended, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Public Comment

Chairman Jackson opened the floor for public comment. The following individual(s) provided comment(s):

- Charlotte Lenhoff (Leathers Lane) was present to provide an update on the proposed roadwork that is underway at Leather's Lane, and is being funded by six (6) property owners; she also referred to the fact that (in her opinion) Mr. Darryl Whidby has intentionally been working against the process and has:
 1. Laid gravel on top of the existing crusher run that has just been laid
 2. Removed gravel from work area #1
 3. Replanted plants along the right-of-way
 4. Dug trenches without permission from the CountyAnd
 5. Was seen willfully riding his tractor while removing gravel from work area #1

Reference was also made to Item 7 of the County's Position on Leathers Lane that states:

"As the owner of the underlying land, Madison County reserves the right to exercise its ownership interests in the road by confining the actual roadway to its present condition and location. Madison County likewise reserves the right to prohibit any repairs or modifications to the roadway. If anyone makes such improvements, without the prior written consent of the Madison County Board of Supervisors."

And Item #9B that states:

"No private citizen shall have the right to change the existing road."

In closing, she encouraged the Board of Supervisors to revoke Mr. Whidby's license to do any work on Leathers Lane from this point forward and requested that a cease and desist order be initiated.

- Robin Hoehn (Leathers Lane) was present and verbalize concerns that damages are being made to the road that has been approved; feels that the Board of Supervisors is allowing a dangerous situation to ensue by not holding Mr. Whidby accountable for damaging the road which hasn't yet been paid for.
- Sherry Kirby (Leathers Lane) was present and verbalized frustration and anxiety over what is happening on Leathers Lane, and feels that Mr. Whidby isn't being held accountable; feels that the County hasn't protected the residents of Leathers Lane; feels that now there is no peace on Leathers Lane due to the ongoing issues.
- John Kirby (Leathers Lane) was present and referred to an email that was sent to the Board of Supervisors concerning the upper and lower sections of Leathers Lane, which have now been altered by Mr. Darryl Whidby; maintenance work is scheduled to commence within the coming week; he noted that the cost of the work will cost about \$4,000; noted that the residents are asking for an assurance (from the Board of Supervisors, County Attorney and County Administrator) that the maintenance work can be done as approved.

The County Attorney was present and referred to a past litigation involving Leathers Lane.

- *Chairman Jackson: Noted that at this time, Mr. Whidby does have a license to perform maintenance on Leathers Lane; however, he further suggested that the County revoke licensure for all residents on Leathers Lane to refrain from performing any type of work on the road from this point forth, excluding the roadwork that has already been approved to be done by the hired contractor.*

It was further noted that the County does own the land that is noted as Leathers Lane, and it was also reiterated that any request(s) to perform any type of work (other than what has already been approved and to include any additional maintenance work) must be prepared as a written request and presented to the Board of Supervisors first.

- *Supervisor Yowell: Referred to the fact that the work being discussed today has already been approved by the Board of Supervisors*

To which Chairman Jackson advised was correct.

- Jessica Whidby (Leathers Lane) was present and claimed that she has witnessed harsh acts initiated against her father (Darryl Whidby); also advised that her father has performed roadwork on Leathers Lane for many years; advised that the rock (laid by a contractor hired by her father, Darryl Whidby) was laid in the incorrect area by accident; suggested that the road remain as it is.

The County Attorney further noted that any further action with regard to today's discussion will not be initiated as there haven't been a detailed discussion with the County personnel (i.e. County Administrator and Board of Supervisors).

After discussion, it was the consensus of the Board to request that a letter be drafted and submitted to the residents of Leathers Lane to advise that:

- a. All licenses for all property owners will be revoked
- b. No work will be performed by any property owner without written consent and approval from the Board of Supervisors
- c. Only the approved roadwork in work area #1 and #2 (do be performed by Mr. Hoffman) will be allowed at this time

The residents further questioned what course of action they should take in the event further incidents arose, to which it was noted that:

- a. Local law enforcement should be contacted to handle any criminal matters that should arise,
 - b. Contact your perspective attorney in the event a civil matter should arise
- *Supervisor Yowell: Advised Mr. Whidby that he will have to refrain from having gravel brought in to place along the roadway.*
 - *Chairman Jackson: Also advised that anything currently located within the right-of-way must be removed.*

With no further comments being brought forth, the comment opportunity was closed.

Special Appearances

A. Madison County Animal Shelter Manager (Cave): Greg Cave, ACO, was present and introduced Ms. Megan Ingram, recently hired as the Animal Shelter Manager. Training has been underway on the Animal Shelter Policy, operations/medical protocol, as well as an introduction to Dr. Reinhold Phaff. In closing, he noted that Ms. Ingram has demonstrated a strong willingness to learn and will be registered for additional courses and FEMA training shortly.

Ms. Ingram expressed appreciation for the opportunity to serve the County.

Consent Agenda

- 2. Consent Agenda
 - A. Minutes from the October 27, 2020 meeting
 - B. Minutes from the November 4, 2020 meeting
 - C. Authorization to pay capital project invoices from bond proceeds totaling \$456,900.48

Supervisor Foster moved that the Consent Agenda be approved as presented, seconded by Supervisor Yowell.

Discussion:

The County Administrator referred to the totals received from Mary Jane Costello, Finance Director, regarding the capital projects and bond proceeds as being \$456,900.48 which includes amounts for the school's capital improvement project and a bill from public safety.

Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).

Constitutional Officers, County Departments, Committees & Organizations

2. Current & Pending Committee Vacancies (Frye): The Board was advised that an additional member is still need for the IDA Board; an advertisement will be needed for the:

- Rappahannock Rapidan Community Services Board (Clare Lillard's term expires 12/31/2020)
- Planning Commission

Fay Utz's term expires 12/31/20 - she has expressed an interest to be considered to serve an additional term; Charles M. Fisher will be resigning effective 1/31/2021).

- Park & Recreation Authority
Three (3) terms will expire effective 12/31/2020
Kendall Fears (filling an unexpired term)
Edwarren "Moonie" Frazier (has served two [2] consecutive terms)
Nathan Carter (has served two [2] consecutive terms)

After discussion it was suggested that contact be made with all who are now serving to see if they'd be interested in serving an additional term; an update will be provided at the next meeting to assess what needs to be advertised.

Planning Commission: Mike Mosko, Commission Chair, was present and advised that the Commission would like to propose to the Board of Supervisors that an application filing fee be initiated for large scale solar system facilities, to be in conjunction with the proposed fee for cell tower requests.

The County Attorney was asked to look into the proposed request and provide advice at a future meeting session.

Building/Zoning: Ligon Webb, County Planner, was present to provide an update on the Surber Development request and advised that an advertisement will be forthcoming; proposed that the discussion be held in December 2020 which will also include a draft ordinance; noted that his department has been busy working on various items; a showing was held for the Criglersville Elementary School; a listing has been submitted to Zillow for publication; any potential buyers will be encouraged to fully develop the property and not let the building sit vacant and unused.

- *Supervisor Yowell: Advised that construction is taking place in Etlan; the property owners expressed great pleasure in dealing with the staff from the Building & Zoning Office and their professionalism.*
- *Chairman Jackson: Reported that Ligon Webb, County Planner, won his election for a seat in the Town of Luray.*

Commissioner of the Revenue: Brian Daniel, Commissioner of the Revenue, was present to report that his department is in the process of completing all land use applications; also working on updating personal property criteria.

- *Supervisor Yowell: Referred to discussion on the cigarette tax.*

To which Mr. Daniel advised that he has been reviewing the matter.

EMS: Noah Hillstrom, Director of Emergency Medical Services, was present to provide highlights from his monthly report:

- 136 calls
- 10-minute average response time
- All vacant medic positions have now been filled
- *Supervisor Yowell: Made reference to the delivery time frame for the new ambulance and whether this purchase will still meet the anticipated schedule, and whether the purchase will still qualify as a CARES Act funding item.*

The County Administrator made reference to the fact that the monies have been committed and can be utilized if necessary.

Mr. Hillstrom advised that anticipated delivery was the end of December 2020, but a delay was caused as a result of COVID 19; also noted that there is a lease to own option that was assessed.

Emergency Management Services: John Sherer, Emergency Management Services Coordinator, was present and advised that there have been:

- 156 cases
- 10 hospitalizations
- 3 fatalities

There is an outbreak in a long-term care facility in the County (staff and residents have tested positive for COVID 19); efforts are being initiated with the Virginia Department of Health to plan long-term vaccinations when they're available. Advised that Culpeper County has experienced a large spike in cases as the Coffeewood Correctional Facility (169 inmates, 13 employees); a mass testing site will be held in Brandy Station, Virginia on November 12th (500 test kits available); advised that the FDA is working to approve a vaccine in the coming weeks; the Governor has spoken about testing over 20,000 people a day with a 6.2% positive rate; southwest Virginia has had a 9.2% positive rate.

Facilities: Roger Berry, Director of Facilities, was present and advised that the jail inmates have returned to assist with grounds and the installation of holiday decorations along Main Street.

E911: Brian Gordon, Director of Emergency Communications, was present to report that the consoles have been installed in the EOC; new chairs are also in use; space is being sanitized between shifts; the radio project is on track; stage meeting will be held the 2nd week in December 2020; balloon test for the PRA site will be scheduled near the end of November 2020; working with GeoCom to upgrade the County's mapping system to a tile based version; trying to get all GIS information uploaded; department is still slightly short-staffed - hoping to hire shortly.

Animal Shelter: Greg Cave, ACO, was present to advised that Ms. Ingram will be undergoing several training initiatives and will also be enrolled in FEMA's animal related courses; numbers are low at the shelter (i.e. ten [10] cats, one [1] dog); participated in a recent PetSmart adoption with one (1) dog that got adopted; still have one (1) vacant position that needs to be filled at the shelter for a Kennel Assistant; VDAX is offering several online courses for Animal Control Officers and kennel staff.

Tourism & Economic Development: Tracey Gardner, Director of Economic Development & Tourism, was present to provide highlights from her monthly report:

- Revaluation and Eco-Dev & Tourism hosted a wonderful event for Secretary Ring to announce AFID grant
- Press Release from Governor Northam attached, CBS coverage, Eagle, Mad Rapp and was also in
- Virginia Business online edition, most likely will be in print as well
- Awaiting performance agreement, but attached some info along with Performance Agreement template. Now that it has been announced, can do 1) official approval 2) need a memo to let Building Inspections know that we waive permit fees for this
- Working with Clint on Broadband ideas and ironing out some details
- Still boosting our WanderLove video <https://youtu.be/tEzPHvHy5Pc> per the grant
- Sharing Rebuild VA info – Governor Northam directing an additional \$30 million to support the expansion of Rebuild VA. The additional funds will allow for expanded eligibility to include businesses with less than \$10million in gross revenue or fewer than 250 employees and increased maximum grant awards from \$10,000 to \$100,000, also available to 501C6 and Dave Reardon, SBDC is available to assist any business interested
- Crafting a New Normal info and webinars

- Reminder November 12 – Central Virginia SBDC free webinar for Madison Businesses
- Tourism Committee was held Tuesday, October 20th at 130pm, the Committee set their 2021 dates as follows: January 19, 2021, April 20, 2021, July 20, 2021 and October 19, 2021. All on Tuesdays, 1:30pm, in the conference room at the Visitor Center
- Attended the Governor’s Summit on Rural Prosperity virtually on October 21
- Reminder: I will be attending the VA-1 Summit on November 16th, with many less participants and just a one-day event this year with Keynote provided by Sheila Johnson
- Also as reported earlier, Madison will be a guest at this year’s Virtual Quad County Business Summit on November 17th and a full participate next year if budgeting is available
- Also attached, Real Estate stats from Greater Piedmont Realtors

Internet/Technology: Bruce Livingston, IT, was present and advised that the servers are now in place; still receiving several trouble tickets for assistance.

Commonwealth Attorney: Chairman Jackson advised that Clarissa Berry, Commonwealth Attorney, is out of the office this week; also reported that Ms. Caroline Watts, former Commonwealth Attorney and Clerk of the Circuit Court, has passed. Ms. Watts dedicated her life to serving the citizens of Madison County, having started her career in 1984. Condolences to the family.

Old Business

3. Report: CARES Act Grant Status (Costello): The County Administrator advised that the Finance Director was unable to complete an updated report at this time, but noted that outstanding items are still in place; suggested that this item be revisited to attain totals at a later meeting session.

- *Chairman Jackson: Advised that the Town of Madison's funding request should be moved to the top of the list.*
- *Supervisor Yowell: Advised that Gerald Carpenter, PRA Manager, has asked if there is any CARES Act funding remaining that can be used to cover the costs associated with running electricity from the barn at Hoover Ridge to the tent at the Farmer's Market - the cost will be between \$5,000-\$6,000 with a \$2,100 bid from the REC to dig a trench and run a cable for the project; also advised that if this proposal is accepted, the site could be used to host drive-through clinics in the future.*
- *Chairman Jackson: Advised that the Board of Supervisors will have to assess any outstanding obligations and move accordingly.*

4. Report: Madison County Rescue Squad MOU Status (Gregg): The County Attorney advised that he received calls and will also follow up with legal council for the Madison County Rescue Squad; it's anticipated that concerns will be discussed and resolved shortly.

- *Chairman Jackson: Referred to previous discussions regarding the initiation of the MOU by December 1, 2020; questioned if the document will be ready for review and initiation by the 2nd meeting in November;*

To which the County Attorney advised may be possible.

5. Discussion: Format, Content & Schedule Board Planning Session (Hobbs): The County Administrator advised that the school's CIP Committee would like to meet on December 4, 2020, which will conflict with the Board of Supervisor's planned session on the same date, and encouraged the Board of Supervisors to reconsider an alternative date.

- *Chairman Jackson: Suggested that the meeting be changed to January 6, 2020 at 4:00 p.m. prior to the Joint meeting with the Planning Commission; reference was also made to a group of questions being presented by the County Administrator and whether the Board would like to have a Facilitator on hand to keep the meeting going forward.*

After discussion, it was the consensus of the Board to move forward without having a Facilitator on hand, and that some of the proposed questions be presented to Constitutional Offices, Sr. County staff and possibly the Planning Commission to attain additional input.

The County Administrator also advised that various outlays may be underway soon; a presentation will be developed for discussion and review for items other than revenues.

- *Supervisor Yowell: Referred to priorities for 20-21 as constructed by VACo.*

New Business:

6. Report: AFID Grant Process (Gardner): Tracey Gardner, Director of Economic Development & Tourism, was present and advised that a preliminary draft of the performance agreement should be available for review and discussion within the coming week; the County can request grant funds after a full review and approval have been attained. The grantor will have thirty (30) days to get the funds to the County and then onto the applicant (i.e. Revalation Vineyards). In closing, she advised that the 'in-kind' amount comes into play when any type of improvements are being done.

The County Administrator advised that the aforementioned process has been discussed during past closed sessions; advised that the procedures are most standard for the state grant process; advised that several meetings will need to be scheduled to review the contracts and other criteria over the next few months; documents are needed from the State before the grant agreement can be fully developed and reviewed before anything can be forwarded to the state, IDA and the applicant.

- *Supervisor Yowell: Referred to the grant opportunity and the fact that some applicants had questions as to whether they were actually eligible to apply as a result of the CARES Act funding;*

To which Ms. Gardner advised that the CARES Act applicants in question are still eligible to apply for the grant funds. The draft agreement should be ready for review by the next meeting in November.

7. Workshop: Criglersville Swinging Bridges (Hobbs): The County Administrator advised that based on several discussions, the County isn't ready to make a concrete decision about the swinging bridges; noted that there is still much information outstanding; advised that more clarity is needed in regards to VDOT cost estimates (i.e. renovation vs. replacement) and environmental and engineering permits that may be required; feels that VDOT desires to move away from maintaining the bridges.

Patrick Mauney, Rapidan Regional Commission, was present to reflect on VDOT funding options as provided by VDOT (i.e. revenue sharing, secondary funds, transportation funds, etc.) feels that based on VDOT timelines, funding may be available in 2024; however, due to current funding shortfalls, funding may not be available until much later; also noted that some funding mechanisms require a funding match; noted that there are many decisions points that must be addressed before any concrete actions can be undertaken; noted that grant funding opportunities come with 'strings attached.'

- *Chairman Jackson: Advised that Ms. Shephard has reached out and offered to work with the County; he also advised that the process will be relatively slow and also referred to maintenance records; suggested that the County focus on the Lindsay Lane bridge by replacing items; questioned how the County can fund the endeavor and what effect this will have on the taxpayers of Madison County; noted that the County doesn't want to own the bridge; referred to suggestions (for a small park) as verbalized Ms. Bonnie Dixon that will be maintained by her and other interested citizens.*

Comments from the Board:

- *Supervisor Yowell: Referred to three (3) options:*
 - *VDOT to maintain and own the bridge(s)*
 - *County own and maintain the bridge(s)*
 - *County to abandon the bridge(s) and let the property owners assume ownership and maintenance*
 - *Reference was made to the fact that if a property owner has an agreement with the County to establish a 'pocket park', the liability would not be on the property owner in the event someone was injured while on the property; noted that the bridge(s) is on private property; he questioned how far the property owners are willing.*
- *Chairman Jackson: Referred to the issues of right-of-way at the bridge(s) location*
- *Supervisor McGhee: Verbalized concerns that VDOT didn't provide an alternative means of access.*

Bonnie Dixon was present and advised that she consulted with a representative from the Virginia Department of Historic Resources; was told that the Lindsay Lane bridge is listed in the national register as a historic property #056-5040; reference was also made to Section 106 of the National Historical Preservation Act; was also provided with details that regarding liability in the event a park was established in the right-of-way on the property next to the Lindsay Lane bridge.

The County Attorney advised that appropriate documents would need to be constructed and accepted by the County and property owner in advance.

- *Chairman Jackson: Further stated that Ms. Shephard referred to fact that perhaps a 'go fund me page' might be an acceptable format in which to raise funds from county stakeholders and defray the use of six-year road improvement plan funding that's allocated to the County annually.*

It was also noted that the Piedmont Environmental Council has provided some draft language to be included in a draft letter.

Further comments from the Board:

- *Chairman Jackson: Suggested that VDOT provide an engineering report that would state the specifics as to what's wrong with the Lindsay Lane bridge.*
- *Supervisor Yowell: Suggested that all maintenance records also be requested for the Lindsay Lane bridge and all County roadways as a matter of course.*
- *Supervisor McGhee: Referred to VDOT criteria associated with requests for records and requirements for pedestrian foot bridges as being very stringent; feels that the records would be provided if they're available; unfamiliar with the maintenance cycle on bridges unless there's a specific issue noted; verbalized uncertainty as to what VDOT's decision is concerning permanent closure of the Lindsay Lane bridge.*

In closing, it was suggested that the County request:

- All maintenance records for the Lindsay Lane bridge

- All cost estimates associated with repair
- An engineering report

And:

- Access the historical registry (for item #056-5040)
- Develop a modified draft letter and move forward specifically from the Board of Supervisors and copy the Piedmont Environmental Council

Bruce Livingston read the following comment from James Howe (Criglersville) as provided from the online forum: *"I'm sorry I'm not present to comment in person on the current assessment; like Mr. Hobbs, I feel that the situation is being made more complicated than it could be, which may be VDOT's intention; I feel there are other alternatives as mentioned by Mr. Yowell and Ms. Dixon, and they should be explored; perhaps there should be a separate meeting with Madison County residents and the Board of Supervisors to find a resolution to this issue outside of VDOT; according to a colleague who is a former Director that is a former Director of a UVA Research Transportation Council, the reports on the bridge should be public record; it will pursue obtaining this report from him."*

In closing, Chairman Jackson advised that (in his opinion, most would like to pursue a resolution to tonight's issue without VDOT, but reiterated that local bridges are a part of VDOT's network and that the County must make an effort to work with VDOT and come to a viable resolution.

Information/Correspondence

Madison Equality Project: Supervisor McGhee advised that he met with representatives on the Madison Equality Project to request that the Mulatto Run Bridge be renamed to the original researched name; the group is working to pursue the required process (with the Board of Geographic Names); the group has offered to attend a future meeting and provide a presentation to the Board of Supervisors for review and input.

After discussion, by consensus, the Board agreed to invite the Madison Equality Project to attend the meeting on November 24, 2020 to provide their presentation and assess the process that will be needed to pursue their proposal.

- *Supervisor Yowell: Referred to an email from VACo concerning a hosting for an online FOIA workshop webinar on November 16th; he questioned if the County Attorney will plan to provide FOIA training again this year.*

After discussion, it was indicated that the County Attorney would provide FOIA training at the end of the Joint Meeting session on December 2, 2020 for the Madison County Board of Supervisors and the Madison County Planning Commission.

Public Comment

Chairman Jackson opened the floor for public comment. With no comment(s) being brought forth, the public comment opportunity was closed.

Closed Session

Adjourn

With there being no more business to consider, on motion of Supervisor Hoffman, seconded by Supervisor Foster, Chairman Jackson adjourned the meeting. ***Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).***

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors
Copies: Board of Supervisors, County Attorney & Constitutional Officers
Adopted on: November 24, 2020



Agenda
Board of Supervisors Meeting
Tuesday, November 10, 2020 at 4:00 p.m.
County Administration Building Auditorium
414 N Main Street, Madison, Virginia 22727

Call to Order, Determine Quorum, Pledge of Allegiance & Moment of Silence

Adoption of Agenda

Public Comment

Special Appearances

a. Madison Animal Shelter Manager (Cave)

Consent Agenda

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Constitutional Officers, County Departments, Committees & Organizations

2. Current and Pending Committee Vacancies (Frye)

Old Business

3. Report: CARES Act Grant Status (Costello)
4. Report: Madison County Rescue Squad MOU Status (Gregg)
5. Discussion: Format, Content & Schedule Board Planning Session (Hobbs)

New Business

6. Report: AFID Grant Process (Gardner)
7. Workshop: Criglersville Swinging Bridges (Hobbs)

Information/Correspondence

Public Comment

Closed Session

Adjourn

AMENDMENT(S) DENOTED IN **ROYAL BLUE**.